

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**UNITED STATES OF AMERICA    )**

**Plaintiff                                )**

**)**

**v.    )**

**)**

**DOCKET NO: 3:19-cr-127**

**CYNTHIA WILLIAMS-                        )**

**SINGLETON                                        )**

**Defendant.                                )**

**)**

---

**MOTION TO EXTEND TIME TO  
SELF-SURRENDER FOR SERVICE OF SENTENCE**

NOW COMES Defendant Cynthia Williams-Singleton, by and through her counsel of record, James W. Kilbourne, Jr., and respectfully requests that this Court to extend the time for her self-surrender to the Bureau of Prisons. As grounds therefore, it is averred:

1. Ms. Williams-Singleton was sentenced by this Court to a term of twenty-seven months of incarceration on January 30, 2020, and the judgment was issued the following day, January 31, 2020. The Court held a hearing pursuant to Fed. R. Cr. P. 35(a) on motion of the defense on February 11, 2020 and left the sentence undisturbed.

2. Since the onset of COVID-19, the Defendant and the United States has extended her time to report to the Bureau of Prisons:

- a. On February 28, 2020, Ms. Williams-Singleton filed an Unopposed Motion to Extend Time to Self-Surrender for Service of Sentence, which was granted by this Honorable Court on March 4, 2020, extending her reporting deadline to April 1, 2020;
- b. On March 23, 2020, Ms. Williams-Singleton filed a Second Motion to Extend Time to Self-Surrender for Service of Sentence for concerns involving COVID-19, which was granted by this Honorable Court on March 24, 2020, extending her reporting deadline to May 1, 2020;
- c. On March 25, 2020, the United States filed a Motion to Extend Time to Self-Surrender for Service of Sentence at the request of the Bureau of Prisons for concerns involving COVID-19, which was granted by this Honorable Court on March 25, 2020, extending her reporting deadline to July 1, 2020. The Bureau of Prisons indicated that it may be necessary to request further extension; and
- d. On June 15, 2020, Ms. Williams-Singleton filed a Motion to Extend Time to Self-Surrender for Service of Sentence for concerns over the care of her minor daughter and grandmother, which was granted by this Honorable Court on June 16, 2020, extending her reporting deadline to September 1, 2020

3. The undersigned was appointed counsel for Ms. Williams-Singleton by the Fourth Circuit Court of Appeals on May 21, 2020.

4. Ms. Williams-Singleton is the primary caregiver for her minor daughter. As discussed at sentencing, her minor daughter has suffered from a number of issues. Ms. Williams-Singleton recently discovered that her minor daughter is pregnant, and the baby is due on December 9, 2020. The father is not involved.

5. Ms. Williams-Singleton is assisting her daughter with prenatal care and will continue to assist her daughter after the child is born.

6. Ms. Williams-Singleton's sister had agreed to care for the Defendant's minor daughter. However, her sister has been diagnosed with cancer and is currently receiving treatment. Ms. Williams-Singleton has been unable to travel to check on her sister, because of COVID travel restrictions. Ms. Williams-Singleton hopes that her sister will be healthy enough to care for her minor daughter and the child after the treatment is completed.

7. Under 18 U.S.C. § 3582(c)(1)(A) and U.S. Sentencing Guidelines Manual §1B1.13, the commentary to the Policy Statement provides that extraordinary and compelling reasons [for altering a sentence] exist where there is a "The death or incapacitation of the

caregiver of the defendant's minor child or minor children.” If these circumstances constitute extraordinary and compelling reasons to provide compassionate release of an imprisoned Defendant, it is logical to consider these circumstances as an “extraordinary and compelling reason” to delay the date a Defendant should initially report to the Bureau of Prisons.

8. Appellant requests an extension to February 15, 2021 to voluntarily report.

9. The Government defers to the Court on this motion.

WHEREFORE, for the above-stated reasons, Ms. Williams-Singleton respectfully request this Court extend the time for her self-surrender to the Bureau of Prisons.

This the 20<sup>th</sup> day of August, 2020.

s/ James W. Kilbourne, Jr.

James W. Kilbourne, Jr.

N.C. State Bar No. 24354

ALLEN STAHL & KILBOURNE, PLLC

20 Town Mountain Road, Suite 100

Asheville, NC 28801

828-254-4778

828-254-6646 fax

[jamesk@asklawnc.com](mailto:jamesk@asklawnc.com)

*Attorney for Defendant Cynthia Williams-Singleton*